

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
GATLIN WAYNE HERRERA,  
Defendant.

4:22-CR-40036-KES

ORDER ADOPTING  
REPORT & RECOMMENDATION

On November 30, 2023, defendant, Gatlin Wayne Herrera, appeared before Magistrate Judge Veronica Duffy for a change of plea hearing. Magistrate Judge Duffy issued a report recommending the court accept defendant's plea of guilty to the Superseding Indictment. The Superseding Indictment charges Herrera with Attempted Receipt of Child Pornography, in violation of 18 U.S.C. § 2252(a)(2)(A) and (b)(1). The parties both waived any objection to the report and recommendation. Upon review of the record, it is

ORDERED that the report and recommendation (Docket 63) is adopted. The defendant is adjudged guilty of Attempted Receipt of Child Pornography, in violation of 18 U.S.C. § 2252(a)(2)(A) and (b)(1).

It is FURTHER ORDERED that the sentencing hearing in this matter will be on February 26, 2024 at 1:00 p.m. in Sioux Falls, Courtroom 2.

Dated December 6, 2023.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER  
UNITED STATES DISTRICT JUDGE